

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GEORGE TYRONE DUNLAP, JR.,

Plaintiff,

vs.

WARDEN DWIGHT NEVIN, *et al.*,

Defendants.

2:12-cv-1370-JCM-VCF

ORDER

This matter involves *pro se* Plaintiff George Dunlap's section 1983 action against, *inter alia*, Dwight Neven, High Desert State Prison Warden. Before the court is Neven's motion to strike (#94¹). Dunlap did not file an opposition. Neven's motion is granted for two reasons.

First, Local Rule 7-2(d) states that "[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." On May 2, 2014, Neven filed a motion to strike. To date, Dunlap has not opposed the motion. Under Local Rule 7-2(d) this constitutes consent to the granting of Neven's motion.

Second, Neven's motion to strike is meritorious. Neven moves to strike Dunlap's sur-reply because the Local Rules do not allow sur-replies. *See, e.g., Smith v. United States*, No. 2:13-CV-039-JAD-GWF, 2014 WL 1301357, at *5 (D. Nev. March 28, 2014) ("Nothing in the [local] rule[s] authorizes any documents beyond the motion, response, and reply 'unless otherwise ordered by the Court.'" (citation omitted)). Here, Dunlap filed what is essentially a sur-reply. (*See* Doc. #92). The court's authority to manage its docket and regulate the parties' conduct includes "an inherent authority

¹ Parenthetical citations refer to the court's docket.

1 to strike” Dunlap’s errant filing. *Metzger v. Hussman*, 682 F. Supp. 1109, 1111 (D. Nev. 1988);
2 *see also Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (recognizing that federal courts have “certain
3 implied powers” that are “governed not by rule or statute but by the control necessarily invested in
4 courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases”);
5 *accord Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010).

6 ACCORDINGLY, and for good cause show,

7 IT IS ORDERED that Neven’s motion to strike (#94) is GRANTED.

8 IT IS FURTHER ORDERED that Neven’s response (#92) is STRICKEN.

9 IT IS SO ORDERED.

10 DATED this 15th day of May, 2014.

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14 CAM FERENBACH
15 UNITED STATES MAGISTRATE JUDGE
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